

State Board of Embalmers and Funeral Directors

March 27, 2014

Missouri Association of School Administrators
3550 Amazonas Dr.
Jefferson City, MO 65109
(573) 638-4825

OPEN MINUTES

Call to Order

The meeting of the State Board of Embalmers and Funeral Directors was called to order by James Reinhard, chairman, at 9:25 a.m.

Roll Call

Board Members Present

James Reinhard, Chairman
Archie Camden, Vice Chairman
Collin Follis, Secretary
Gary Fraker, Member
Eric Pitman, Member
Jerald Dickey, Member

Staff Present

Sandy Sebastian, Executive Director
Tabatha Lenzini, Administrative Assistant
Lori Hayes, Inspector
Sharon Euler, Division Legal Counsel

Approval of the Agenda

A motion was made by Gary Fraker and seconded by Collin Follis to approve the amended agenda. Motion carried with Jerald Dickey, Archie Camden and Eric Pitman voting in favor with no votes in opposition.

Election of Officers

A motion was made by Archie Camden and seconded by Jerald Dickey to leave officers as they are. Motion carried with Collin Follis, Gary Fraker, and Eric Pitman voting in favor with no votes in opposition.

Executive Director Report

Sandy discussed the following pieces of legislation that may have a direct or indirect impact on the board or profession – house bills 1824, 1891, 2074, 1925 and senate bill 883. Sandy reminded the board that the Personal Financial Disclosures Form filing deadline is May 1st. She provided an update on the The Conference that she attended in February, 2014, along with Collin Follis. They are working on a model practice act; there are changes to the National Board Examination testing that result in a candidate not receiving the national board results at the time of the test and those scores will be released once The Conference is notified that candidate has fulfilled all other requirements for graduation/completion of their program; there will be 90 days between eligibility to test. Sandy updated the board on PNA/PNFDA renewal date change from October 31 to November 30 and indicated that the division's rule to change the renewal date is in process. Sandy also reported that embalmer/funeral director renewal 2nd notices will go out first part of May to those who have not yet submitted their renewals. Sandy provided an update on communications with DHSS/Vital Statistics and stated that she and Lori met with them and are working on finalizing details to automate sending them information on licensees and status changes regarding those that do not have a current license or authorization to practice; Vital Statistics will be removing those establishments, funeral directors and embalmers from the electronic system and notify local office of ineligibility.

Sandy asked the board if they had any questions regarding the reports of new licenses, closed/ceased licenses, and disciplinary actions taken since the last board meeting. There were no questions. Sandy indicated that she was moving forward data gathering relating to outside legal counsel and asked the board if anyone wanted to be involved in the process. James Reinhard appointed Archie Camden and Collin Follis to assist. Sandy shared that there had been data gathering meetings with the vendor of the licensing system that the division is pursuing and the IT staff.

A member of the public asked about the financials being included on the agenda. It was discussed and Sandy indicated that she could include the financial report on each regularly scheduled meeting as information for the board.

Legal Counsel Report

Sharon reported that the Attorney General recently took a judgement against National Prearranged Services in the civil case of around \$11million. Sharon reported that federal litigation with SDR is moving forward and that the board has an Administrative Hearing Commission case filed against National Prearranged Services seeking default judgement.

Sharon stated that in the North Carolina Board of Dental Examiners vs FTC it was determined that the board was not an agency of the state but more of an association and that the case was now at the Supreme Court and the case was being watched by the division.

Sharon also reported that the Heffner case out of Pennsylvania lower court ruled the board could not do inspections without a search warrant and the appellate court sent it back.

Request from Dar-Aljalal Masjid Board Members

Sharon indicated that based on the request she did not feel that they fell within the board's jurisdiction; suggested that if anyone believes that they are doing something other than what they state on the letter that was submitted to the board then a complaint should to be filed.

Discussion/Dialogue

Don Otto with the Missouri Funeral Directors and Embalmers Association stated that house bill 2074's motive was good but overall the bill was not favorable and that they would be working with the sponsor to come up with language. The reported that the funeral procession bill was voted out on the senate side; there is not hearing yet on the preneed bill; and that there is language to modify language regarding continuing education requirements if a funeral director sells \$15,000 life insurance policy.

Don reported that their annual convention would be in the middle of May and requested a speaker from the membership of the board. James Reinhard indicated that they request was noted and would be considered.

Brian Winters – Probation Violation Hearing - Case EMB-14-003-PV

A motion was made by Gary Fraker and seconded by Collin Follis to dismiss the hearing. Motion carried with Jerald Dickey, Eric Pitman and Archie Camden voting in favor with no votes in opposition.

Move to Closed

A motion was made by Archie Camden and seconded by Jerald Dickey to go into closed session for numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with Gary Fraker, Eric Pitman and Collin Follis voting in favor with no votes in opposition

Approval of Open Minutes

A motion was made by Eric Pitman and seconded by Gary Fraker to approve the open minutes from the September 24-25, 2013 board meeting. Motion carried with Collin Follis, Jerald Dickey, and Archie Camden voting in favor with no votes in opposition.

Move to Closed

A motion was made by Eric Pitman and seconded by Gary Fraker to go into closed session for numbers 1, 2, 7, 8, and 9 of the attached motions to close. Motion carried with Collin Follis, Archie Camden and Jerald Dickey voting in favor with no votes in opposition.

Adjournment

A motion was made by Collin Follis and seconded by Jerald Dickey to adjourn 4:58 p.m. Motion carried with Gary Fraker, Archie Camden and Eric Pitman voting in favor with no votes in opposition.

Executive Director: Sandy Sebastian

Approved by the board on: 3. 29.30.2016

MOTIONS TO GO INTO CLOSED SESSION

1. DISCIPLINE

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo and 324.001.9 RSMo for deliberation on discipline

2. LEGAL ACTIONS/LITIGATIONS/PRIVILEGED COMMUNICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney

3. PROMOTING/HIRING/DISCIPLINING/FIRING EMPLOYEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (3) RSMo discussing hiring, firing, disciplining or promoting an employee of this agency

4. DIAGNOSIS/TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (5) and Section 324.001.8 RSMo. for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees

5. EXAMINATION MATERIALS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (7) RSMo for reviewing testing and examination materials

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (13) RSMo for making performance ratings pertaining to individual employees

7. APPLICATIONS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and Section 324.001.8 RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure

8. CLOSED MINUTES

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021, Subsection (14) and 324.017 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings

9. COMPLAINTS/ INVESTIGATIVE REPORTS/AUDITS

I move that this meeting be closed and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under Section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant

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